

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS J. MCINERNY,

Plaintiff,

v.

RED ROBIN INTERNATIONAL, INC., *et al.*,

Defendants.

Case No. 2:23-cv-01548-JDP

ORDER SETTING INITIAL SCHEDULING  
CONFERENCE

Pursuant to Federal Rule of Civil Procedure 16, it is hereby ORDERED that:

1. An initial scheduling conference is set for October 5, 2023, at 10:00 a.m. The conference will be conducted remotely via Zoom.<sup>1</sup>

2. No later than fourteen days prior to the scheduling conference, the parties shall file status reports that address the following:<sup>2</sup>

- a. the factual and legal contentions set forth in the parties' pleadings, briefly summarized;
- b. possible joinder of additional parties;
- c. expected amendment of pleadings and, if applicable, a proposed deadline for

<sup>1</sup> The Zoom invitation will be distributed one week prior to the scheduling conference.

<sup>2</sup> The parties are encouraged to file a joint status report.

1 such amendment;

2 d. jurisdiction and venue;

3 e. anticipated motions and their scheduling;

4 f. a proposed discovery plan and its scheduling, including deadlines for  
5 exchanging initial disclosures and for disclosing expert witnesses;

6 g. proposed cutoff dates for completing discovery and dispositive motions;<sup>3</sup>

7 h. any proposed changes to the limits on discovery imposed by the Federal Rules  
8 of Civil Procedure;

9 i. whether the case is related to any other cases, including any bankruptcy cases;

10 j. whether an early settlement conference should be scheduled at the initial  
11 scheduling conference;

12 k. whether counsel will stipulate to the undersigned acting as the settlement judge  
13 and waive disqualification from so acting, or whether they prefer to have a different magistrate  
14 judge conduct a settlement; and

15 l. any other matters that may add to the just and expeditious disposition of this  
16 matter.

17 3. The parties are hereby notified that failure to obey federal or local rules, or any order  
18 of this court, “may be grounds for imposition by the Court of any and all sanctions authorized by  
19 statute or Rule or within the inherent power of the Court,” including dismissal. E.D. Cal. L.R.  
20 110.

21 4. Counsel are reminded of their continuing duty to notify chambers immediately of any  
22 settlement or other disposition. *See* E.D. Cal. L.R. 160.


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25 <sup>3</sup> The parties are advised that Judge Peterson generally requires that: (1) expert disclosures  
26 be completed before the close of fact discovery; (2) all motions to compel discovery be heard  
27 approximately thirty days before the close of discovery; and (3) all dispositive motions be heard  
28 within approximately ninety days of the discovery completion date. A final pretrial conference  
will be set after resolution of any dispositive motions or passage of the dispositive motion  
deadline. A trial date will be determined at the pretrial conference.

1           5. Within seven days of the date of this order, the parties shall complete and file the  
2 Consent to Assignment or Request for Reassignment form.

3  
4 IT IS SO ORDERED.

5 Dated: August 20, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE